

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

GEORGE CHAVIS,

Plaintiff,

vs

9:03-CV-755

J.A. BENNETT, Law Library Officer; W. RICHARDS, Corrections Officer, SHU; MS. LASCHWAY, Civilian Medical Staff; MS. FECHETTE, Corrections Officer, Hearing; D. LACLAIR, Deputy of Security; CO PRICE, Corrections Officer, SHU; S. RYAN, Civilian Medical Staff; COUNSELOR GERBER, Prison Counselor, SHU; CO STREETER, Corrections Officer, SHU; D. QUINN, Corrections Officer, Hearings; S. KING, Corrections Officer, SHU; MR. JOHNSON, Civilian, Medical Department "PA"; MS WEISSMAN, Prison Health Service Director; S. SALLS, Corruption Officer, SHU (Sergeant); and MR. RAYVILLE, Prison Counselor,

Defendants.

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

JAN 12 2006

LAWRENCE K. BAERMAN, Clerk
UTICA

APPEARANCES:

OF COUNSEL:

GEORGE CHAVIS
91-A-3261
Southport Correctional Facility
P.O. Box 2000
Pine City, NY 14871

HON. ELIOT SPITZER
Attorney General of the
State of New York
Attorney for Defendant
Department of Law
Suite 102
615 Erie Boulevard West
Syracuse, New York 13204

PATRICK F. MacRAE, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

ORDER

Plaintiff, George Chavis, brought this civil rights action pursuant to 42 U.S.C. § 1983. In a Report Recommendation dated December 7, 2005, the Honorable David E. Peebles, United States Magistrate Judge, recommended that defendants' motion for summary judgment dismissing plaintiff's complaint be granted, and that plaintiff's complaint be dismissed in its entirety. The defendants have filed a timely objection to an element of the Magistrate Judge's Report and Recommendation limited to the portion that denies defendants' request for award of costs and attorney's fees associated with the deposition (Docket No. 64). Plaintiff has not responded.

Based upon a de novo review of the portions of the Report-Recommendation to which the defendants have objected, and for the reasons set forth in defendants' objections, costs and attorney fees are awarded to the defendants in the sum of \$1,400.00. The remainder of the Report-Recommendation is accepted and adopted. See 28 U.S.C. 636(b)(1).

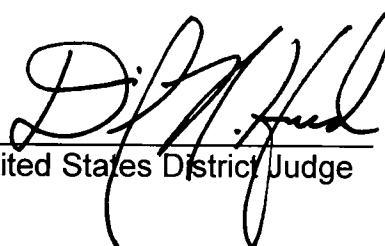
Accordingly, it is

ORDERED that

1. The defendants' motion for summary judgment dismissing plaintiff's complaint is GRANTED;
2. The plaintiff's complaint is DISMISSED; and
3. Defendants are awarded the sum of \$1,400.00 against the plaintiff.

The Clerk is directed to file judgment accordingly.

IT IS SO ORDERED.


United States District Judge

Dated: January 9, 2006
Utica, New York.